

Under 35 USC § 112, second paragraph, the Office rejects Claims 16, 18, 20, 23, 24, and 26 for failing to claim with particularity.

To begin, the Office rejects base Claim 16 for indefiniteness due to the following reasons:

- (1) it is unclear whether the language "*which may contain*" is intended to include oxygen or hetero atoms.
- (2) it is unclear whether the language "*which may bear*" is intended to include one or more carbonyl groups.

With this Response and Amendment, the definition of "E" is redefined as follows: "*E represents a cyclic hydrocarbon-based spacer group of aliphatic or aromatic nature, which group is optionally substituted by one or more oxygen or hetero atoms, and which group may optionally have one or more carbonyl groups attached thereto.*" The Applicants submit that the instant Amendment avoids ambiguity and renders the claim definite. Reconsideration and withdrawal of the rejection is respectfully solicited.

The Office rejects Claim 18 for use of the language "*complementary*". It is the position of the Office that the phrase "*complementary pharmaceutical and/or cosmetic activity*" is neither defined in the Specification; nor is it understood by one skilled in the art. With this Response and Amendment the Applicants remove the language "*complementary*" from Claim 18, thereby obviating the rejection.

It is also the position of the Office that the phrase "*in particular flavonoids of natural origin*" renders Claim 20 as indefinite because it is impossible to determine whether the clause presents a limitation. With this Response and

Amendment, the Applicants remove the language and associated preference; hereafter specifying these compounds in a new claim (i.e., Claim 31) dependent on the now amended base claim.

The Office rejects Claim 23 for failing to further limit the subject matter of Claim 22, from which it depends. With this Response and Amendment, the Applicants cancel Claim 23, thereby obviating the rejection.

Claims 24 is rejected for containing both a broad range and a "*preferably*" narrowed range that falls within the broad range. With this Response and Amendment, the Applicants remove the language "*preferably*" and the associated limitation following the phrase; hereafter specifying the preferred range in a new claim (i.e., Claim 32) dependent on the now amended base claim.

Claim 26 is rejected for use of the language "*for instance*" as it is unclear whether the clause presents limitations. With this Response and Amendment, the Applicants remove the language "*for instance liposomes, nanocapsules or nanospheres*"; hereafter specifying these limitations in a new claim (i.e., Claim 33) dependent on the now amended base claim.

Finally, Claims 16-30 are rejected for Obviousness under 35 USC § 103(a) based on the disclosure of Bollag, et al. (U.S. Patent 4,565,863) in view of von Deesen, et al. (U.S. Patent 5,126,500). The Office acknowledges that neither reference teaches the use of a spacer group between the retinoic acid derivative and the glucosyl group; an essential feature of the instant invention. The Office asserts however, that "*it would have been obvious to modify the compounds of formula I in col. 1, lines 5-15 of Bollag, et al., by substituting the lower alkyl*

groups with 1,2-propenyl, daidzin or genistin groups." It is the position of the Office that the 'lower alkyl groups' of Bollag are equivalent to 'spacer groups' of the instant invention.

With regard to the 'equivalency' of daidzin and genistin, the Applicants submit that Bollag does not disclose 'spacer' heterocyclic groups, e.g., daidzin or genistin, between a sugar residue and retinoic acid derivative. With this Response and Amendment the Applicants redefine "E" as representing a cyclic hydrocarbon-based spacer group of aliphatic or aromatic nature, which group is optionally substituted by one or more oxygen or heteroatoms, and which group may optionally have one or more carbonyl groups attached thereto. It is submitted that the prior art does not teach such substitution and further that there is no tenable basis for asserting that such substitution would have been obvious to one skilled in the art.

Moreover, Claim 21 has been made independent because the full scope of compounds disclosed is not supported by the generic Claim 16 as amended. It is, however, asserted that the scope of amended Claim 21 is not made obvious by the prior art, much less disclosed and/or enabled by the prior art. Therefore, the Applicants respectfully request reconsideration and withdrawal of the prior art rejection.

* * * * *

Accordingly, entry of the present amendment, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,
THE FIRM OF HUESCHEN AND SAGE

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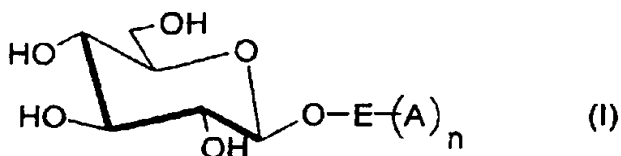
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Enclosure: Amended Claims (clean and marked-up form); Postal Card Receipt

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.

CLAIMS (marked-form)

16. A ternary glucosyl complex, which is a bioprecursor of at least one retinoic active principle, intended for percutaneous application, of formula (I)



in which:

- E represents a [linear, branched or cyclized] cyclic hydrocarbon-based spacer group of aliphatic or aromatic nature, which group [may contain] is optionally substituted by one or more oxygen or hetero atoms and which group may optionally have [bear] one or more carbonyl groups attached thereto,
 - A represents a residue of a molecule of the retinoic active principle, linked to the spacer group via a carboxylate function,
 - $n = 1$ or 2 .
18. The glucosyl complex of claim 16, wherein the group E represents a group which has a [complementary] pharmaceutical and/or cosmetic activity.
19. The glucosyl complex [as] of claim 16, wherein the group E has a moisturizing, depigmenting and/or antibacterial activity.
20. The glucosyl complex of claim 16, wherein the group E represents a group derived from L or D glycerol, hydroquinone or flavonoids [, in particular flavonoids of natural origin].
21. [The glucosyl complex of claim 16,] A ternary glucosyl complex, which is a bioprecursor of at least one retinoic active principle, intended for percutaneous application, which is selected from:
- para-retinoyl-phenyl-glucopyranoside,
 - diretinoyl-1,2-propanyl-glucopyranoside,
 - daidzin retinoate, and
 - genistin retinoate.

23. [The composition of claim 22, wherein, when it is applied to the skin, the complex undergoes an enzymatic double reaction, first of β -glucocerebrosidase type leading to hydrolysis between the glucose and the spacer group, and then of esterase type leading to hydrolysis between the spacer group and the active principle, the active principle thus being released in a delayed manner without an accumulation effect in the various layers of the skin.]
24. The composition of claim 22, which contains from 0.001% to 10% by weight [and preferably 0.01% to 0.1% by weight] of glucosyl complex relative to the total weight of the composition.
26. The composition of claim 22, which is in the form of spherules [, for instance liposomes, nanocapsules or nanospheres].
31. The glucosyl complex of claim 20, wherein the group E represents a group derived from flavonoids of natural origin.
32. The composition of claim 24, which contains from 0.01% to 0.1% by weight of glucosyl complex relative to the total weight of the composition.
33. The composition of claim 26, wherein the spherules are selected from liposomes, nanocapsules and nanospheres.